

BEFORE THE IOWA BOARD OF PHARMACY

RE:

Application for Pharmacy Support Person
Registration of

SHELBY MYERS

Applicant

REGISTRATION BY CONSENT AGREEMENT

COME NOW the Iowa Board of Pharmacy ("Board") and Shelby Myers ("Applicant"), 1600 Steller Ave, Apt 16, Ottumwa IA 52501, and enter into this Registration by Consent Agreement, pursuant to Iowa Code sections 17A.10 and 17A.18. The Board has jurisdiction over Applicant and the subject matter of this case pursuant to Iowa Code chapters 17A, 155A, and 272C, and 657 IAC chapter 5.

A. LEGAL GROUNDS

1. The Board may deny a registration based on an applicant's conviction of a crime if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the Board does not grant an exception. See Iowa Code § 272C.15(1).

B. FACTUAL CIRCUMSTANCES

2. On January 6, 2021, the Board received a pharmacy support person registration application from Applicant.

3. On March 26, 2020, Applicant was convicted of theft in the 4th degree in the Iowa District Court for Wapello County.

4. This conviction is on the Board's list of specific convictions that may disqualify an applicant from receiving a registration.

5. Applicant's conviction involved taking items from a store without paying for them by failing to scan the items at the self-checkout.

6. Applicant's conviction directly relates to the duties and responsibilities of the profession because a pharmacy support person is responsible for scanning items and checking out customers in the pharmacy.

7. Applicant did submit evidence of rehabilitation.

C. REGISTRATION BY CONSENT

8. Applicant acknowledges that the Factual Circumstances set forth above, if proven in a contested case hearing concerning registration denial, would constitute grounds for the adverse action agreed to in this Agreement. The Board is willing to grant an exception and issue the registration based on the evidence of rehabilitation, if done in accordance with the terms of this Agreement.

9. This Agreement applies to the individual identified and its terms apply to any other license or registration issued by the Board in the future to the individual identified.

10. Execution of this Agreement constitutes the resolution of a contested case. Applicant has a right to hearing before the Board on the grounds for registration denial, but Applicant waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Agreement. Once entered, this Agreement shall have the force and effect of a Board Order entered following a contested case hearing concerning registration denial.

11. Applicant acknowledges that she has the right to be represented by counsel on this matter.

12. This Agreement shall be part of Applicant's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

13. Applicant understands that this Agreement constitutes adverse action and that the Board is required by federal law to report any adverse action to the National Practitioner Data Bank.

14. This Agreement, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

15. The Board's approval of this Agreement shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

16. Applicant shall be issued a pharmacy support person registration.

17. Applicant is hereby **CITED** for her prior criminal conviction and **WARNED** that future violations of the laws and rules governing registrants can result in further disciplinary action.

18. Applicant must notify the pharmacist in charge at any current pharmacy employers and any future prospective pharmacy employers (at the time of employment interview) of this Agreement and the circumstances of her conviction and maintain documentation of the notification.

19. Should Applicant violate the terms of this Agreement, the Board may initiate action to

impose licensee discipline as authorized by Iowa Code chapters 155A and 272C and 657 IAC chapter 36.

3/16/21
Date

Shelbie Myers
SHELBBE MYERS
Applicant

This Registration by Consent Agreement is approved by the Executive Director with authorization from the Iowa Board of Pharmacy on March 22, 2021.

[Signature]
Andrew Funk, Pharm.D., Executive Director
Iowa Board of Pharmacy